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FEDERAL COMMUNICATIONS COMMISSION  
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DEPARTMENT OF MANAGEMENT  
**SERVICES**

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May 27, 1993

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simply a final deadline (such as 10 years) after which users are required to be completely converted to systems of narrower bandwidth and reduced HAAT/ERP.

We are not convinced that an interim reduction in deviation or transmitter power is technically feasible for most existing systems. We further do not believe that public safety systems are so overpowered that reductions in deviation, HAAT and ERP will not seriously degrade required coverage. In our experience of assisting many local agencies over the years, governmental radio systems tend toward marginally sufficient, if not insufficient, coverage due to budgetary constraints for both purchase and maintenance of systems. We agree that overpowered systems certainly exist (and should never have been approved in the first place), but for every one, there are dozens of public safety systems with severe coverage problems. In many cases such systems were constructed on limited budgets, or were designed for mobile coverage and have only limited portable coverage, or were designed for jurisdiction boundaries that have been expanded due to population growth and geographic annexation. If forced to further reduce coverage by these proposed limits, governmental agencies cannot simply adjust their jurisdiction of responsibility to a lesser area as can other private and commercial entities. A mandate for interim reduction in deviation and HAAT/ERP limits will in effect mandate a complete system re-design and replacement for many public safety systems.

## 2. Concerning HAAT/ERP Limits:

We agree in general with the concept of interrelated ceiling limits on HAAT and ERP for new systems, but have two specific concerns. First, we see no benefit whatsoever for HAAT/ERP limits on stations which compose the interior portions of statewide or wide-area systems. Such limits have applicability only for stations at the coverage boundary (perimeter) of multi-site systems. Furthermore there is no need to impose these limits in directions which have no other potential users within a typical channel re-use distance, e.g., toward coastlines, large national forests, etc. To impose such limits in cases where there is obviously no benefit to spectrum efficiency would be arbitrary and a pointless economic burden to the licensee.

Secondly, the use of HAAT/ERP limits to simply enable co-channel separations of 50 miles thereby increasing channel re-use appears arbitrary, overly-simplistic, and in the opposite direction from good system engineering and spectrum management principles, which we believe are what is really needed in the first place. Public safety and governmental agencies normally have very explicit jurisdictional boundaries. Their radio coverage area is likewise very explicit, usually being the jurisdictional area plus some small distance (such as 3 miles in the case of the Region-9 Plan). By giving an applicant the greatest latitude in HAAT and ERP, but by strictly limiting coverage (utilizing a standard model) to the jurisdiction plus 3 miles, the system engineer is then free to develop the most efficient combination of sites, heights, powers, and antenna patterns to satisfy the coverage requirement. In our experience with many applications under the Region-9 Plan, this process produces far better results in terms of controlling system coverage and thus enabling better

channel re-use than simple HAAT/ERP limits could possibly have done. It is true that this method requires more engineering documentation to be reviewed (antenna patterns and coverage maps in particular), but we have found this data to be the sort that any responsible system engineer would develop anyway. We understand that one of the Commission's intentions is to reduce the amount of application submittal data, but we strongly believe that it is the frequency coordinators' role and responsibility to review and utilize this data in the coordination process. Historically, the certified land-mobile frequency coordinators have not required or utilized detailed antenna pattern data in the coordination process, yet there is no other way to accurately predict the locations of coverage contours or interference without it. Within Region-9, our database of 821 MHz allotments (maintained by the Division) contains all pertinent system information including antenna patterns and antenna orientations. All coordinations of new or modified Region-9 allotments utilize the entire database of system information, including antenna patterns. Our Region-9 allotment programs also determine the most suitable channel based on the least clearance, rather than the most (as is typically done by other coordinators). We see no reason why the certified land-mobile coordinators cannot do likewise and avoid the spectrum inefficiencies of their current methods. A microwave coordinator of the Part 94 frequencies for example, would not even consider coordinating a channel without all of the technical parameters relative to interference and spectrum efficiency, including the actual antenna pattern information. Why should land-mobile frequency coordination be any different?

We do agree however that some upper limit on HAAT and ERP is necessary to avoid excessive cases. In the Region-9 Plan, 500 feet HAAT and 500 watts ERP are those limits. However, since governmental jurisdiction boundaries are not round (or even close to round), there is little point in specifying further limits based on "radius" of coverage.

### 3. Concerning the Consolidation of the Public Safety Radio Services:

We are concerned that the first-response type of public safety agencies, i.e., police, fire, and EMS (which must respond to the public on demand), will lose the exclusive benefit they need and have had by virtue of the separate radio services. In general, many of the arguments made for creation of the separate Emergency Medical Radio Service in PR 91-72 would apply as well to the Police and Fire services. Under separate services, these type of agencies have been guaranteed both a minimum channel availability and distinctly separate channels regardless of congestion in other public safety services. We believe that at least the same measure of exclusive availability and non-conflicting channel assignments must continue. This could be accomplished by either appropriate expansion of the "RESTRICTED USE FREQUENCIES", or by maintaining separate radio services for them (while allowing cross-service eligibility in the case of trunked or otherwise combined systems), or possibly by creating a separate service for these first-response services.

For the same reasons, the "vertical stacking" approach to sharing simply does not work for these first-response agencies. In any given geographic area, each of these agencies must have channel assignments, and the assignments for one agency must be distinct from the assignments of each of the others. The proposed rules do not take these needs into account.

4. Concerning Eligibility in the Public Safety Radio Services:

We are concerned with the underlined portion of the proposed statement in 88.13 which reads "Applications from persons or organizations other than governmental entities must be accompanied by a statement from the governmental entity having legal jurisdiction over the area to be served, supporting the request." In our comments to PR 91-72 (creation of the Emergency Medical Radio Service), we proposed the following alternative wording (which the Commission adopted) in lieu of wording similar to the underlined portion above: "...by the governmental body having jurisdiction over the state's emergency medical service plans...". We explained in those comments that the eligibility issue should be resolved not by a governmental body simply having jurisdiction over a geographic area, but rather by the governmental body which has jurisdiction over the licensee's activities, which in that case was the State of Florida through its statutorily mandated Emergency Medical Service Communications Plan. Since the proposed 88.13 is broader than just emergency medical services, we suggest the following wording in 88.13: *"Applications from persons or organizations other than governmental entities must be accompanied by a supporting statement from the governmental body having legal jurisdiction or regulatory responsibility over the applicant's public safety activities affecting or involving radio communications."* Such a requirement will insure that only true regulated public safety entities become licensed on public safety frequencies.

We have recently met with representatives of IMSA (certified coordinator for the EMRS) and have developed procedures for issuance of the required supporting statements required of non-governmental EMRS applicants. We believe that similar procedures could be developed with other coordinators for any other non-governmental public safety applications.

5. Concerning the Cross-Service Interleaving of Channels in the VHF Band:

We are opposed to the interleaving of Public Safety and adjacent non-public safety VHF frequencies within the same block of spectrum. This proposal could generate a host of later problems which would be difficult if not impossible to resolve, and would deny public safety the future benefits which would only be available with totally contiguous channels.

6. Conclusion:

These comments have only begun to address our position on the many complex issues in this NPRM. We believe that many of the most difficult and controversial issues in this NPRM relate to the public safety services due to their unique needs. We find it difficult to

fully address each of them due simply to the quantity of proposed changes, and suspect that public safety may suffer considerable disadvantage by being immersed in the sheer magnitude of this rule making. Should the Commission find certain public safety issues to be

~~associated with significant inconsistencies between public safety issues and~~